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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1070 OF 2015
WITH
CRIMINAL WRIT PETITION NO.490 OF 2016**

Veerdhawal Nathu Pol	... Petitioner
Versus	
The State of Maharashtra and Anr.	... Respondents

Mr. Murtuza Nazmi a/w Ms. Nirmala Bhosale i/by Daya S. Jadhav for the Petitioner in Cri. WP No.1070 of 2015.

Mr. Shashi D. Pandey for the Petitioner in Cri. WP No.490 of 2016.

Mr. A.M. Kulkarni a/w Mr. Vinod Sangvikar i/by Mr. Umesh R. Mankapure for the Respondent No.2 in both the Petitions.

Mr. Dattatray Shankar Yadav, Police Sub Inspector, Dharavi Police Station.

**CORAM : A.S. OKA &
G.S. PATEL, JJ.**

**DATE : 4th FEBRUARY, 2016
[In Chamber at 2.40 pm]**

PC.

1. Rule. Though the learned Public Prosecutor is not present, Shri Dattatray Shankar Yadav, Police Sub Inspector, Dharavi Police Station is personally present. The learned counsel appearing for the second Respondent waives service.

2. Shri Veerdhawal Pol who is the Petitioner in both the Petitions has married to Jyoti on 6th February, 2015. Criminal Writ Petition No.1070 of 2015 is filed by said Veerdhawal seeking a Writ of Habeas Corpus for production and release of his wife Jyoti. On the basis of the orders passed by this Court, the said Jyoti was produced before this Court on 1st April, 2015 from Childrens' Home at Dongri. Thereafter, the matter appeared from time to time before the Court. On 27th November, 2015, Jyoti was brought before us in Chamber. We had a detailed discussion with the Petitioner as well as Jyoti. We noted in the order passed on that day that Jyoti's father who is the second Respondent in Criminal Writ Petition No.490 of 2016 is not willing to accept the marriage. After satisfying ourselves that Jyoti is no longer a minor, we permitted her to accompany the Petitioner. We are informed that since then, they are residing together at the place of residence of the Petitioner. After the last date, Jyoti has met her father on two occasions. The father is still not willing to accept the marriage but nevertheless is willing to meet Jyoti very regularly. Today, Jyoti is present in the Chamber. She states that she is happily residing with the Petitioner.

3. In view of the aforesaid factual aspects, no further direction is required to be issued in the Writ Petition seeking a Writ of Habeas Corpus.

4. In Criminal Writ Petition No.490 of 2016, the prayer is for quashing the FIR registered at the instance of the second Respondent (Jyoti's father) against the said Veerdhawal. Today, the second Respondent who is personally present in the Court has tendered an affidavit. In the affidavit, he has accepted that his daughter is legally wedded wife of the Petitioner. He has stated that the marriage was solemnized on 6th February, 2015. He has, therefore, stated that he has no objection for quashing the FIR bearing C.R. No.97 of 2015 registered with the Dharavi Police Station. The allegation made in the said FIR was as regards the commission of offence punishable under Section 363 of the Indian Penal Code. Apart from the no objection in writing by the second Respondent who is the first informant, we are satisfied that his daughter Jyoti and the Petitioner are continuously residing together from 27th November, 2015 as wife and husband. Hence, in our view, no purpose will be served by continuing the prosecution. Moreover, the continuation of the criminal proceedings will not be in the interests of the parties. Shri. Dattatray Shankar Yadav, Sub-Inspector who is present in the Court states that if the Court is satisfied that there is no subsisting dispute between the husband and wife, appropriate order may be passed.

5. Accordingly, we pass the following order :-

ORDER

- (i) Criminal Writ Petition No.1070 of 2015 is disposed of;
- (ii) Rule issued in Criminal Writ Petition No.490 of 2016 is made absolute in terms of prayer clause (a);
- (iii) All concerned to act upon an authenticated copy of this order.

(G.S. PATEL, J)

(A.S. OKA, J)